

DAVID E BENZ
202 274 2808 telephone
202 654 5641 facsimile
david.benz@troutmansanders.com
Admitted in DC

TROUTMAN SANDERS

224749
TROUTMAN SANDERS LLP
Attorneys at Law
401 9th Street, N.W.
Suite 1000
Washington, District of Columbia
20004-2134
202 274 2950 telephone
202 274 2994 facsimile
troutmansanders.com

March 25, 2009



VIA HAND DELIVERY

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
MAR 25 2009
Part of
Public Record

Re: STB Docket 35219, Petition of Union Pacific Railroad Company for a Declaratory Order

Dear Ms. Quinlan:

On March 23, 2009, U.S. Magnesium LLC ("USM") filed its Comments in Opposition and Request for Order Compelling UP to Provide Common Carrier Rates in the above-captioned docket. USM's filing included a Verified Statement of Dr. Howard Kaplan, and the verification page included a facsimile version of Dr. Kaplan's signature.

Enclosed please find the original signature page for Dr. Kaplan's Verified Statement. We have included two copies, one for the Highly Confidential Version and one for the Public Version.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "David E. Benz".

David E. Benz
Counsel for US Magnesium, LLC

enclosure

cc: Tonya Conley (counsel for Union Pacific Railroad Company)

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PUBLIC VERSION

I, Howard Kaplan, declare under penalty of perjury that the foregoing is true and correct
Further, I certify that I am qualified and authorized to sponsor this testimony

Executed, March 21, 2009



Howard Kaplan